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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OL莫斯; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF JANN CARSON

I, Jann Carson, declare:

1. I am the Interim Executive Director of the ACLU of Oregon. I have personal knowledge about the facts below and if called as a witness, I could, and would, testify competently to them.
2. ACLU of Oregon provides a limited number of vests for its legal observers and maintains careful control of this process. ACLU of Oregon also provides special training to its legal observers. As part of that training, legal observers are taught that vests can only be worn by trained observers, that they are not to protest and must remain neutral if they are wearing the vest. We also teach our legal observers how to best do their jobs while avoiding getting hurt at protests. Our legal observer program has been in place for at least 3 years. Over that time, the blue ACLU vest has become associated with the well-trained, neutral legal observers who work for our organization.
3. ACLU of Oregon is a non-profit, nonpartisan organization with a current staff of 10 people. We lobby actively at the local, state, and national levels to prevent the passage of laws that would undermine civil liberties and civil rights, and we support the passage of laws that would enhance civil rights and civil liberties. We also review all proposed ballot initiatives filed in Oregon and monitor those that would have an impact on civil liberties and civil rights. We have helped coordinate many ballot measure campaigns. We also bring, and are currently involved in bringing, impact litigation on a wide variety of subjects related to our mission of protecting constitutional rights to freedoms of press, speech, assembly, and religion, and the rights to due process, equal protection and privacy. We are actively involved in litigation related to immigrant rights, rights of people who are incarcerated, gender justice, and various aspects of the current protests in Portland, just to name a few.
4. As an organization, ACLU of Oregon is not equipped to administer any type of credentialing program for journalists. None of our staff is trained to assess who is a journalist or who is not.

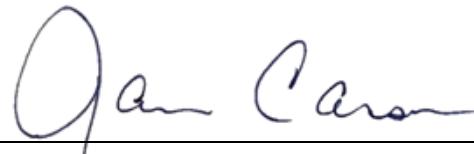
5. Making determinations about who qualifies as press is inconsistent with the purpose and goals of ACLU of Oregon. Between August 2, 2020, and August, 3, 2020, I solicited input from the ACLU of Oregon board of directors. All members who provided feedback (a majority of the Board) agreed acting in this capacity was inconsistent with the purpose and goals of the ACLU of Oregon. Those members included the ACLU of Oregon's Board President, Vice President of Litigation/Lawyers Committee Chair, and our Vice President of Policy.

6. Running such a program would impose substantial costs on ACLU of Oregon. Our staff and resources are already stretched very thinly given the amount of work that we do. Spending time and money on an ongoing journalist credentialing program would necessarily detract from the other things that we do and our core organizational mission. Further, the last time we ordered vests, it cost hundreds of dollars and took approximately two weeks to receive them once ordered and printed. Providing such vests to local and foreign freelancers, independent journalists, as well as to institutional staff media would be unworkable in practice.

7. Our office is currently closed due to the COVID-19 pandemic. The ACLU of Oregon is committed to ensuring safe administrative operations for staff during this pandemic. Requiring a member of staff or anybody to engage in-person with journalists, some of who have been traveling from outside of the area, for the purpose of exchanging physical items such as vests could also unnecessarily expose them to viral infection.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: August 4, 2020



Jann Carson